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THE NATIONAL PEACE ACCORD
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[Note: **This issue, which contains highlights of the Accord, is published in pursuance of the Declaration on Apartheid and its Destructive Consequences in Southern Africa adopted by consensus by the General Assembly at its sixteenth special session on 14 December 1989.**

The National Peace Accord was signed on 14 September 1991. It contains a code of conduct for political parties and organizations as well as procedures and mechanisms to bring an end to violence in South Africa and to promote peace and prosperity. Among the signatories of the Accord were the South African authorities, the African National Congress of South Africa, the Inkatha Freedom Party, and a number of political parties, trade unions and religious and civic organizations.]

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CONTENTS

Chapters

		Page
	Preamble	3
1	Principles	3
2	Code of conduct for political parties and organizations	5
3	Security forces: general provisions	6
4	Security forces: police code of conduct	10
5	Measures to facilitate socio-economic reconstruction and development	11
6	Commission of inquiry regarding the prevention of public violence and intimidation	12
7	National Peace Secretariat, regional and local dispute resolution committees	13
8	National Peace Committee	14
9	Enforcing the peace agreement between the parties	15
10	Special criminal courts	16

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PREAMBLE

We, participants in the political process in South Africa, representing the political parties and organizations and Governments indicated beneath our signatures, condemn the scourge of political violence which has afflicted our country and all such practices as have contributed to such violence in the past, and commit ourselves and the parties, organizations and governments we represent to this National Peace Accord.

This Accord is intended to promote peace and prosperity in violence-stricken communities. The right of all people to live in peace and harmony will be promoted by the implementation of this Accord.

We, the signatories accordingly solemnly bind ourselves to this Accord and shall ensure as far as humanly possible that all our members and supporters will comply with the provisions of this Accord and will respect its underlying rights and values and we, the government signatories, undertake to pursue the objectives of this Accord and to seek to give effect to its provisions by way of the legislative, executive and budgeting procedures to which we have access.

Chapter 1

PRINCIPLES

1. The establishment of a multi-party democracy in South Africa is our common goal. Democracy is impossible in a climate of violence, intimidation and fear. In order to ensure democratic political activity, all political participants must recognize and uphold certain fundamental rights described below and the corresponding responsibilities underlying those rights.

2. These fundamental rights include the right of every individual to:

(a) Freedom of conscience and belief;

(b) Freedom of speech and expression;

(c) Freedom of association with others;

(d) Peaceful assembly;

(e) Freedom of movement;

(f) Participate freely in peaceful political activity.

3. The fundamental rights and responsibilities derive from established democratic principles, namely:

(a) Democratic sovereignty derives from the people, whose right it is to elect their Government and hold it accountable at the polls for its conduct of their affairs;

(b) The citizens must therefore be informed and aware that political parties and the media must be free to impart information and opinion;

(c) There should be an active civil society with different interest groups freely participating therein;

(d) Political parties and organizations, as well as political leaders and other citizens, have an obligation to refrain from incitement to violence and hatred.

4. The process of reconstruction and socio-economic development, aimed at addressing the causes of violent conflict, must be conducted in a non-partisan manner, that is, without being controlled by any political organization or being to the advantage of any political group at the expense of another.

5. Reconstruction and developmental projects must actively involve the affected communities. Through a process of inclusive negotiations involving recipients, experts and donors, the community must be able to conceive, implement and take responsibility for projects in a coordinated way as close to the grassroots as possible. In addition, reconstruction and development must facilitate the development of the economic and human resources of the communities concerned.

6. The parties to this process commit themselves to facilitating the rapid removal of political, legislative and administrative obstacles to development and economic growth.

7. It is agreed that the Commission established by the Prevention of Public Violence and Intimidation Act, 1991, be used as an instrument to investigate and expose the background and reasons for violence, thereby reducing the incidence of violence and intimidation.

8. Peace bodies are therefore to be established at both regional and local levels to be styled "Regional Dispute Resolution Committees" (RDRC) and "Local Dispute Resolution Committees" (LDRC), respectively. These bodies will be guided and coordinated at a national level by a National Peace Secretariat. At the local level the bodies will be assisted by justices of the peace.

9. There is still much to be done to implement the Accord and establish the institutions of peace. To assist in this regard, a National Peace Committee shall be established.

10. There should be simple and expeditious procedures for the resolution of disputes regarding transgressions of the Code for Political Parties and Organizations by political parties and organizations whose signatories to the National Peace Accord. These disputes should, wherever possible, be settled at the grassroots level, through participation of the parties themselves, and by using the proven methods of mediation, arbitration and adjudication.

11. An effective and credible criminal judicial system requires the swift and just dispensation of justice. This in turn will promote the restoration of peace and prosperity to communities, freeing them of the ravages of violence and intimidation. Special attention should be given to unrest related cases by setting up special criminal courts specifically for this purpose.

Chapter 2

CODE OF CONDUCT FOR POLITICAL PARTIES AND ORGANIZATIONS

1. We recognize the essential role played by political parties and organizations as mediators in a democratic political process, permitting the expression, aggregation and reconciliation of different views and interests, and facilitating the translation of the outcome of this process into law and public policy, and respect the activities of political parties and organizations in organizing their respective structures, canvassing for support, arranging and conducting public meetings, and encouraging voting.

2. All political parties and organizations shall actively contribute to the creation of a climate of democratic tolerance by:

(a) Publicly and repeatedly condemning political violence and encouraging among their followers an understanding of the importance of democratic pluralism and a culture of political tolerance;

(b) Acting positively, also *vis-à-vis* all public authorities, including local and traditional authorities, to support the right of all political parties and organizations to have reasonable freedom of access to their members, supporters and other persons in rural and urban areas, whether they be housed on public or private property.

3. No political party or organization or any official or representative of any such party, shall:

(a) Kill, injure, apply violence to, intimidate or threaten any other person in connection with that person's political beliefs, words, writings or actions;

(b) Remove, disfigure, destroy, plagiarize or otherwise misrepresent any symbol or other material of any other political party or organization;

(c) Interfere with, obstruct or threaten, any other person or group travelling to or from or intending to attend any gathering for political purposes;

(d) Seek to compel, by force or threat of force, any person to join any party or organization, attend any meeting, make any contribution, resign from any post or office, boycott any occasion or commercial activity or withhold his or her labour or fail to perform a lawful obligation;

(e) Obstruct or interfere with any official or representative of any other political party or organization's message to contact or address any group of people.

4. All political parties and organizations shall respect and give effect to the obligation to refrain from incitement to violence or hatred.

5. All political parties and organizations shall provide full assistance and cooperation to the police in the investigation of violence and the apprehension of individuals involved. The signatories to this Accord specifically undertake not to protect or harbour their members and supporters to prevent them from being subjected to the processes of justice.

Chapter 3

SECURITY FORCES: GENERAL PROVISIONS

1. General principles and requirements

(a) The police shall endeavour to protect the people of South Africa from all criminal acts and shall do so in a rigorously non-partisan fashion, regardless of the political belief and affiliation, race religion, gender or ethnic origin of the perpetrators or victims of such acts.

(b) The police shall endeavour to prevent crimes and shall attempt to arrest and investigate all those reasonably suspected of committing crimes and shall take the necessary steps to facilitate the judicial process.

(c) The police shall be guided by a belief that they are accountable to society in rendering their policing services and shall therefore conduct themselves so as to secure and retain the respect and approval of the public.

(d) The police, as law enforcement officers, shall expect a higher standard of conduct from its members in the execution of their duties than they expect from others, and in pursuance hereof, supports prompt and efficient investigation and prosecution of its own members alleged to have acted unlawfully and shall commit itself to continue the proper training and retraining of its members in line with the objectives of professional policing and the principles set out in this Accord.

(e) The police shall exercise restraint in the pursuance of their duties and shall use the minimum force that is appropriate in the circumstances.

(f) The police must always respond promptly to calls for assistance and intervention.

(g) Where prior notification is given of possible violence, the police must take all reasonable steps to prevent such an outbreak of violence.

(h) The police shall endeavour to disarm those persons illegally bearing dangerous weapons in any gathering or procession.

(i) In order to investigate all crimes relating to "political violence", the police shall establish a special police investigation unit.

(j) The Standing Commission and/or the National Peace Committee may inquire into the progress of the investigations and the police general shall submit a report.

(k) The Commissioner of Police shall have regard to recommendations of the National Peace Committee.

(l) The police shall, in each locality where a Local Dispute Resolution Committee exists consult regularly with the Committee, or community leaders on the efficient functioning of the police in that community and shall regularly communicate with such committee, representatives or leaders on the issues raised by them with the police.

(m) In addition to the normal channels available within the Department of Law and Order, complaints against the police may also be referred to the Police Reporting Officer or,

depending on the nature of such complaints, to the Standing Commission on Violence and Intimidation.

(n) If the police feel that they are unfairly victimized or harassed by any person or body or organization, they will have the right to raise a complaint to the National Peace Committee or any other appropriate body.

(o) Complaints of alleged police misconduct which is of such a serious nature that it may detrimentally affect police/community relations should be referred to the Police Reporting Officer or the Commissioner of Police, for investigation.

(p) The Police Reporting Officer may recommend to the Commissioner of Police the suspension or transfer of the police official under investigation until the completion of the investigation.

(q) The Police Reporting Officer shall, on the completion of the investigation, make a recommendation to the Commissioner of Police as to the disciplinary action that should be taken against the police involved in the misconduct. The complainant shall be notified of the recommendations and the outcome of this complaint. The Police Reporting Officer may, with the consent of the complainant, provide the National Peace Committee with the recommendations and outcome of the investigation.

(r) All official police vehicles shall have an identification number painted on the side, and all military vehicles acting in support of the police shall display an identification number on the side.

(s) Clear guidelines shall be issued by the police for dealing with unlawful gatherings.

2. **Police Board**

(a) A Police Board shall be established whose composition shall comprise both members of the public and representatives of the police in equal numbers.

(b) The function of the Police Board shall be to consider and to make recommendations to the Minister of Law and Order in regard to the policy relating to the training and efficient functioning of the police, with a view to reconcile the interests of the community with that of the police.

(c) The Police Board shall not have a role in regard to the day-to-day functioning of the police.

3. Clandestine or covert operations

(a) No public funds shall be used to promote the interests of any political party or political organization and no political party or political organization shall accept any public funds to promote its interests which shall have the effect of interfering negatively in the political process.

(b) The Government shall not allow any operation by the security forces with the intention to undermine, promote or influence any political party or political organization at the expense of another by means of any acts, or by means of disinformation.

4. Dangerous weapons

All political parties and organizations shall actively discourage and seek to prevent their members and supporters from possessing, carrying or displaying weapons or fire-arms when attending any political gathering, procession or meeting.

5. Self protection units (previously called self-defence units)

(a) The Law accords all individuals the right to protect themselves and their property and to establish voluntary associations or self-protection units in any neighbourhood to prevent crime and to prevent any invasion of the lawful rights of such communities. This shall include the right to bear licensed arms and to use them in legitimate and lawful self-defence.

(b) The parties also agree that no party or political organization shall establish such units on the basis of party or political affiliation.

(c) No private armies shall be allowed or formed.

(d) All existing structures called self-defence units shall be transformed into self-protection units.

6. General

(a) This Accord shall, where applicable, be issued as a directive by the Commissioner of Police and, if necessary, the Police Act and regulations will be amended accordingly.

(b) This Accord shall, where applicable, be binding on the defence force in as much as it performs an ordinary policing function.

7. Code of conduct for members of the defence force

A Code is in the process of being negotiated under the auspices of the National Peace Committee.

Chapter 4

SECURITY FORCES: POLICE CODE OF CONDUCT

1. Mission of the South African Police

"We undertake, impartially and with respect for the norms of the law and society, to protect the interests of the country and everyone therein against any criminal violation, through efficient service rendered in an accountable manner."

2. Code of conduct of the South African Police

(a) All members of the South African Police shall commit themselves to abide by the Code of Conduct among which are:

(i) Enforcing the law firmly, sensitively and with constant and absolute impartiality;

(ii) Giving effective and friendly service to each individual, regardless of the political and religious belief, race, gender or ethnic origin;

(iii) Reacting as quickly as possible on requests for help or service;

(iv) Making personal sacrifices in order to save lives;

(v) Encouraging police community relationships, and promoting participation by the community.

(b) The needs of the community shall be considered in the training programme of the Police, and the contribution made by communities in this regard shall be taken into account.

(c) Every member should strive and apply himself or herself to individual and institutional professionalism by self-improvement and study.

Chapter 5

MEASURES TO FACILITATE SOCIO-ECONOMIC RECONSTRUCTION AND DEVELOPMENT

1. Reconstruction and development projects must actively involve the affected communities. Through a process of inclusive negotiations involving recipients, experts and donors, the community must be able to conceive, implement and take responsibility for projects in a coordinated way as close to the grassroots as possible. In addition, reconstruction and development must facilitate the development of the economic and human resources of the communities concerned.

2. Sustainable development implies that all individuals must be assisted and encouraged to accept responsibility for their socio-economic well-being.

3. This development initiative should in no way abrogate the right and duty of Governments to continue their normal development activity, except that in doing so they should be sensitive to the spirit and contents of any agreement that may be reached.

4. The National Peace Committee and the Regional Dispute Resolution Committees will establish permanent subcommittees on socio-economic reconstruction and development.

5. The general guideline on issues to be dealt with is to move from immediate issues related to violence and the peace process toward pre-emption of violence and then towards integrating into the overall need for socio-economic development.

6. In addressing the above issues, attention will have to be paid to:

(a) The equitable allocation of State resources, including State-funded development agencies (physical and financial) for both public and community-based initiatives;

(b) Mobilization of additional resources - both public and private;

(c) The cumbersome nature of governmental structures in the provision of resources and services;

(d) The position of the very poor and marginalized groups;

(e) Land, its accessibility and use;

(f) Basic housing;

(g) Provision of basic services;

(h) Education;

(i) Health and welfare;

(j) Job creation and unemployment;

(k) The availability of land for housing and basic services.

7. The subcommittees should identify potential flash points and coordinate socio-economic development that will defuse tension.

Chapter 6

COMMISSION OF INQUIRY REGARDING THE PREVENTION OF PUBLIC VIOLENCE AND INTIMIDATION

1. It is agreed that the commission established by the Prevention of Public Violence and Intimidation Act, 1991, be used as an instrument to investigate and expose the background and reasons for violence, thereby reducing the incidence of violence and intimidation.

2. The Commission shall function on a permanent basis.

3. The Commission's objectives shall be:

(a) To inquire into the phenomenon of public violence and intimidation in the Republic, the nature and causes thereof and persons who are involved therein;

(b) To inquire into any steps that should be taken in order to prevent public violence and intimidation;

(c) To make recommendations to the State President regarding the prevention of public violence and intimidation.

4. It is agreed that the Commission shall be composed of a judge or retired judge of the Supreme Court or a senior advocate with at least 10 years experience in the enforcement of

the law, a senior advocate or a senior attorney or a senior professor of law and three other duly qualified persons.

5. The Commission's functions will include the following:

(a) To investigate the causes of violence and intimidation;

(b) To recommend measures capable of containing the cycle of violence;

(c) To recommend measures in order to prevent further violence;

(d) To initiate research programmes for the establishment of scientific empirical data on violence;

(e) To make recommendations concerning the funding of the process of peace.

6. Any individual will be able to approach the Commission with a request to investigate any particular matter relevant to combating violence and intimidation. If any such individual is held in detention, the relevant authorities will facilitate the transmission of such a request to the Commission.

7. The investigation by or at the behest of the Commission shall not affect any legal processes.

8. Anyone hampering or influencing the Commission or any of its members in the execution of their duties shall be guilty of an offence.

Chapter 7

NATIONAL PEACE SECRETARIAT, REGIONAL AND LOCAL DISPUTE RESOLUTION COMMITTEES

1. A National Peace Secretariat

(a) A National Peace Secretariat shall be established, comprising at least four persons nominated by the National Peace Committee and one representative of the Department of Justice. Further members, up to a maximum of four, may also be appointed.

(b) The function of the National Peace Secretariat will be to establish and coordinate the Regional Dispute Resolution Committees and the Local Dispute Resolution Committees.

(c) The National Peace Secretariat will take decisions on a consensus basis.

2. Regional and local dispute committees

Peace bodies are to be established at both regional and local level, to be styled "Regional Dispute Resolution Committees" (RDRC) and "Local Dispute Resolution Committees" (LDRC), respectively.

(a) RDRCs will be constituted from representatives from relevant political organizations, churches, trade unions, industry and business, local and tribal authorities and the police and defence force. The duties of RDRCs shall include, *inter alia*, settling disputes causing public violence or intimidation by negotiating with the parties concerned and recording the terms of such settlements; monitoring peace agreements and consulting with the National Peace Secretariat.

(b) LDRCs will be constituted by drawing representatives reflecting the needs of the relevant community. Duties of LDRC shall include creating trust and reconciliation between grassroots community leadership of relevant organizations; cooperating with the local justice of the peace in combating and preventing violence and intimidation; settling disputes causing public violence or intimidation; and promoting compliance with current and future peace accords and agreements.

3. Justices of the peace

It is proposed that additional justices of the peace be appointed after consultation with the relevant parties and LDRCs. The purpose of the justices of the peace will essentially be to promote the peace process at grassroots level and to assist LDRCs in their activities.

Chapter 8

NATIONAL PEACE COMMITTEE

1. Those political parties and organizations currently represented on the Preparatory Committee shall constitute the National Peace Committee, together with representatives drawn from other signatory parties where the National Peace Committee believes such inclusion will give effect to the National Peace Accord.

2. The National Peace Committee shall appoint a chairperson and vice-chairperson, who shall be drawn from the religious and business communities.

3. The objective of the National Peace Committee is to monitor and to make recommendation on the implementation of the National Peace Accord as a whole and to ensure compliance with the Code of Conduct for Political Parties and Organizations.

4. The National Peace Committee shall, *inter alia*, decide disputes concerning the interpretation and alleged transgressions of the Code of Conduct for Political Parties and Organizations; convene a meeting of the signatories in the event of an unresolved breach of the National Peace Accord; and negotiate and conclude further agreements to achieve the objects of the National Peace Accord.

5. All decisions shall be by consensus.

Chapter 9

ENFORCING THE PEACE AGREEMENT BETWEEN THE PARTIES

1. There should be simple and expeditious procedures for the resolution of disputes regarding transgressions of the Code of Conduct for Political Parties and Organizations by political parties and organizations that are signatories of the National Peace Accord. These disputes should, wherever possible, be settled at the grassroots level, through the participation of the parties themselves and by using the proven methods of mediation, arbitration and adjudication.

2. Where the dispute cannot be resolved by the National Peace Committee or the committee to which it has been referred by the National Peace Committee, it shall be referred for arbitration.

3. The arbitrator shall be a person with legal skills, appointed by the relevant parties by consensus, failing which the arbitrator shall be appointed by the National Peace Committee within 21 days upon request in writing and, failing which, the Chairperson of the National Peace Committee shall appoint an arbitrator.

4. The arbitrator shall make a finding on the facts and make an order on the organization concerned to remedy the breach either by a public distancing of the organization from the events or by steps to be taken to prevent further breaches of the Code and the time within which the order has to be implemented.

5. The signatories agree to consult each other in the National Peace Committee on methods of ensuring that the Code of Conduct for Political Parties and Organizations is enforceable on all such bodies, including the possibility of statutory enforcement.

Chapter 10

SPECIAL CRIMINAL COURTS

1. An effective and credible criminal judicial system requires the swift but just dispensation of justice. Special attention should be given to unrest-related cases, cases of public violence and cases involving intimidation by setting up special criminal courts specifically for the purpose.

2. The Department of Justice, in cooperation with local legal practitioners of the law societies and the bar, should establish project committees to advise the Department of Justice on the administration of the proposed special criminal courts.

3. The Criminal Law Amendment Act of 1991 provides a mechanism for a programme of witness protection. It is agreed that these provisions be actively utilized in areas affected by unrest.

4. The parties commit themselves to promoting procedural and evidential rules that will facilitate the expeditious and effective hearing of criminal cases.